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NOTIFICATION

No. 1326/LA4/61. *Dated, Trivandrum, 25th March 1961.*

The following Bill together with the Statement of Objects and Reasons, and Memorandum regarding delegated legislation is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

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L. A. Bill No. 10 of 1961

THE KERALA DRAMATIC PERFORMANCES BILL, 1961.

A

BILL

to provide for the better control of public dramatic performances in the State of Kerala.

Preamble.—WHEREAS it is necessary to make provision for the better control of public dramatic performances in the State of Kerala;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Dramatic Performances Act, 1961.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "objectionable performance" means any play, pantomime or other drama which—

(i) is grossly indecent, scurrilous or obscene; or

(ii) is likely to endanger the security of India or public order in the State; or

(iii) incites any person to commit an offence involving violence; or

(iv) is likely to seduce any member of any of the armed forces of the Union of India or of any police force from his allegiance or his duty or prejudice the recruiting of persons to serve in any such force; or

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or prophaning the religion or the religious beliefs of that class.

Explanation I.—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing

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disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole;

(2) "public place" means any building or enclosure or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

3 *Power to prohibit objectionable performances.*—(1) Whenever the Government are satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order stating the grounds on which they consider the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be made without giving a reasonable opportunity to the organiser or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Gazette.

4. *Power to prohibit performances temporarily.*—(1) Whenever the District Collector is satisfied that a play, pantomime or other drama performed or about to be performed is an objectionable performance or that its performance is likely to lead to a breach of the peace, he may, by order, stating the grounds on which he considers the performance objectionable or likely to lead to a breach of the peace, prohibit its performance.

(2) Before making an order under sub-section (1), the District Collector shall give a reasonable opportunity to the organiser or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place, to show cause why the performance should not be prohibited :

Provided that in cases where the circumstances require immediate action to be taken and do not admit of a reasonable opportunity being given, the District Collector may, by order, prohibit the performance without giving such opportunity in which case he may review the order on the application of any person affected by it

(3) No order made under this section shall remain in force or more than two months from the making thereof unless the Government, by notification in the Gazette, otherwise direct.

5. *Service of order of prohibition.*—A copy of the order made under sub-section (1) of section 3, or under sub-section (1) or sub-section (2) of section 4 may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organisers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited or on the owner or occupier of the public place in which such performance is intended to take place.

6. *Penalty for disobeying order.*—Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

7. *Penalty for disobeying prohibition.*—(1) Any person who, after the publication of an order under sub-section (3) of section 3, or during the period when an order made under sub-section (1) or sub-section (2) of section 4, is in force, organises or is responsible for the conduct of or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

8. *Power to call for information.*—(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the Government, the District Collector or such officer as may be empowered in this behalf by the Government, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the Government, the District Collector or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code (Central Act XLV of 1860).

9. *Power to call for copy of purport of drama, etc.*—(1) If the Government or the District Collector, have or has reason to believe that an objectionable performance is about to take place or that the performance of any play, pantomime or other drama is likely to lead to a breach of the peace they or he, as the case may be, may, by order, direct that no such performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to the Government or the District Collector aforesaid.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

10. *Appeal to High Court.*—Any person aggrieved by an order under sub-section (1) of section 3, or under sub-section (1) or sub-section (2) or sub-section (3) of section 4, may, within sixty days of the publication of such order under sub-section (3) of section 3, or, as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) or sub-section (3) of section 4, is made, prefer an appeal to the Hight Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

11. *Saving of prosecutions under other laws.*—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing contained in this Act shall exempt any person from being prosecuted under any such law.

12. *Protection for acts done in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

13. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under sub-section (1) shall, as soon as possible after they are made, be laid on the Table of the Legislative Assembly for a period of fourteen days and shall be subject to such modification by way of repeal or amendment as the Legislative Assembly may make during the Session in which they are so laid or the Session immediately following.

14 *Repeal.*—The Travancore Dramatic Performances Act, 1115 (II of 1115), the Cochin Dramatic Performances Act, LXXI of 1112, and, the Madras Dramatic Performances Act, 1954 (XXXIII of 1954) in so far as it applies to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The law relating to the control of public dramatic performances in force in the State is contained in the Travancore Dramatic Performances Act, 1115, the Cochin Dramatic Performances Act, 1112 and the Madras Dramatic Performances Act, 1954. It is considered necessary to have a uniform law on the subject applicable to the whole of the State in place of the existing enactments. The Bill is designed to achieve the above object. The Bill follows the provisions of the Madras Dramatic Performances Act, 1954.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 13 of the Bill empowers the Government to make rules to carry out the purposes of the Bill. The matters in respect of which rules may be made will be of a routine and administrative character. Moreover the rules shall be subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is thus of a normal character.

P. T. CHACKO.